

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

PHYLLIS WELCH, ET AL.

PLAINTIFFS

V.

NO. 3:03CV119-B-B

**THE COMMISSIONER OF
SOCIAL SECURITY**

DEFENDANT

ORDER

Upon consideration of the file and record of this action, the Court finds that the Report and Recommendation of the United States Magistrate Judge dated June 16, 2005, was on that date duly served by regular mail upon the attorneys for the parties at their last known addresses; that more than ten days have elapsed since service of said Report and Recommendation; and that no objection thereto has been filed or served by any party. The Court is of the opinion that the magistrate judge's Report and Recommendation should be approved and adopted as the opinion of the Court. It is, therefore

ORDERED:

1. That the Report and Recommendation of the United States Magistrate Judge dated June 16, 2005, is approved and adopted as the opinion of the court;
2. That defendant's motion to dismiss is granted in part, and plaintiffs' Complaint is hereby dismissed without prejudice pursuant to FED.R.CIV.P. 12(b)(2) and (5).
3. That the Clerk shall forthwith **CLOSE** this case.

This, the 2nd day of August, 2005.

/s/ Neal Biggers

**NEAL B. BIGGERS, JR.
SENIOR U.S. DISTRICT JUDGE**